

1 THE HONORABLE ROBERT S. LASNIK  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 THOMAS COPLEY, MARVIN COYNER,  
12 and ELIZABETH EVANS,

13 Plaintiffs,

14 v.

15 ZF TRW AUTOMOTIVE HOLDINGS  
16 CORP., HYUNDAI MOTOR AMERICA,  
17 INC., AND KIA MOTOR AMERICA, INC.,

18 Defendants.

19 No. 2:19-cv-00707-RSL

20 STIPULATED MOTION AND  
21 [PROPOSED] ORDER TO AMEND CASE  
22 DEADLINES

23 NOTE ON MOTION CALENDAR:

24 JUNE 13, 2019

25 **STIPULATED MOTION**

Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiffs Thomas Copley, Marvin Coyner, and Elizabeth Evans (“Plaintiffs”), and Defendants ZF TRW Automotive Holdings Corp., Hyundai Motor America, Inc., and Kia Motor America, Inc. (“Defendants”), by and through counsel, hereby stipulate and move that the time for Defendants to answer, move, or otherwise plead in response to Plaintiffs’ Complaint and for Plaintiffs to file a motion for class certification in accordance with LCR 23(i)(3) shall be amended as provided herein.

Specifically, the parties hereby stipulate as follows:

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1       On May 10, 2019, Plaintiffs filed a Class Action Complaint in the above-captioned  
 2 matter. Dkt. # 1. In civil actions now pending in other federal district courts (“Related  
 3 Actions”),<sup>1</sup> other plaintiffs have asserted related or similar claims to those made in this action.

4       On June 5, 2019, counsel for plaintiffs in two Related Actions filed a motion pursuant  
 5 to 28 U.S.C. § 1407 (the “Consolidation Motion”) with the Judicial Panel On Multidistrict  
 6 Litigation (“Panel”) seeking to coordinate the Related Actions for consolidated pre-trial  
 7 proceedings in a single jurisdiction, opening MDL No. 2905.

8       The parties agree and stipulate that there is good cause to extend the time for Defendants  
 9 to answer, move, or otherwise plead in response to Plaintiffs’ Complaint and for Plaintiffs to  
 10 file a motion for class certification in accordance with LCR 23(i)(3) until after the Panel rules  
 11 on the Consolidation Motion, because doing so will conserve the Court’s and the parties’  
 12 resources and avoid duplicative or inconsistent rulings in this case and the other Related  
 13 Actions.

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 19       <sup>1</sup> See *Samouris v. ZF-TRW Auto. Holdings Corp.*, No. 2:19-cv-11215-MAG-EAS (E.D. Mich. Apr. 26,  
 20 2019); *Hernandez v. Hyundai Motor Am., Inc.*, No. 8:19-cv-00782-JAK-FFM (C.D. Cal. Apr. 29, 2019);  
 21 *Payne v. ZF Friedrichshafen AG*, No. 1:19-cv-21681-MGC (S.D. Fla. Apr. 30, 2019); *Rubio v. ZF-TRW*  
 22 *Auto. Holdings Corp.*, No. 2:19-cv-11295-MAG-EAS (E.D. Mich. May 3, 2019); *Altier v. ZF-TRW*  
 23 *Auto. Holdings Corp.*, No. 8:19-cv-00846-JAK-FFM (C.D. Cal. May 6, 2019); *Santos v. ZF*  
 24 *Friedrichshafen AG*, No. 0:19-cv-61174-WPD (S.D. Fla. May 8, 2019); *Radi v. FCA* (“*Fiat Chrysler*  
 25 *Automobiles*”) *US LLC*, No. 1:19-cv-02769-FB-LB (E.D.N.Y. May 10, 2019); *Croft v. ZF*  
*Friedrichshafen AG*, No. 2:19-cv-04256-JAK-FFM (C.D. Cal. May 16, 2019); *Heilman-Ryan v. ZF*  
*TRW Auto. Holdings Corp.*, No. 4:19-cv-11464-MFL-EAS (E.D. Mich. May 17, 2019); *Bell v. ZF*  
*Friedrichshafen AG*, No. 8:19-cv-00963-JAK-FFM (C.D. Cal. May 21, 2019); *Bliss v. ZF*  
*Friedrichshafen AG*, No. 8:19-cv-00970-JAK-FFM (C.D. Cal. May 21, 2019); *McFadden v. Hyundai*  
*Motor America, Inc.*, No. 8:19-cv-01154-JVS-JDE (C.D. Cal. Jun. 10, 2019); *Carroll v. American*  
*Honda Motor Company, Inc.*, No. 8:19-cv-01155-JVS-JDE (C.D. Cal. Jun. 10, 2019).

1       The parties further agree and stipulate that subject to this Court's approval, by and  
2 between the Plaintiffs and Defendants, by and through their undersigned counsel or counsel  
3 acting on their behalf, that:

- 4       1. The deadlines related to initial disclosures and submission of the Joint Status Report  
5 and Discovery Plan set by the Court, *see* ECF No. 23, are continued until after the Panel  
6 rules on the Consolidation Motion. The parties agree to confer and propose new  
7 deadlines, if the Panel denies the Consolidation Motion;
- 8       2. Defendants' time to answer, move, or otherwise plead in response to Plaintiffs'  
9 Complaint shall be continued until after the Panel rules on the Consolidation Motion as  
10 follows:
- 11      (i) In the event that the Panel denies the Consolidation Motion, or MDL No. 2905 is  
12 otherwise terminated, (1) the Defendants' time to answer, move, or otherwise plead  
13 in response to Plaintiffs' Complaint shall be extended until 45 days after the Panel's  
14 order denying transfer or other event resulting in termination of the proceedings in  
15 MDL No. 2905; (2) Plaintiffs shall have 45 days to respond to any motion(s) that  
16 may be made by Defendants directed to the Complaint; and (3) Defendants shall  
17 have 30 days after Plaintiffs' response(s) to file any reply in support of any motion(s)  
18 that may be directed to the Complaint;
- 19      (ii) In the event that the Panel grants the Consolidation Motion, the Defendants' time to  
20 answer, move, or otherwise plead in response to Plaintiffs' Complaint; Plaintiffs'  
21 time to respond to any motion(s); and Defendants' time to file any reply shall be  
22 determined as ordered by the Transferee Court;

- 1       3. The deadlines pursuant to LCR 23(i)(3) are continued until after the Panel rules on the  
2       Consolidation motion. The parties are to confer regarding a class certification briefing  
3       schedule, if the Panel denies the Consolidation Motion; and  
4       4. Entry into this stipulation by the Defendants shall not constitute a waiver of any  
5       defenses. For the avoidance of doubt, the Defendants expressly preserve and do not  
6       waive any other defenses, including, but not limited to, the defenses of lack of personal  
7       jurisdiction, lack of subject matter jurisdiction, insufficiency of process, or improper  
8       venue. The Defendants expressly reserve their rights to raise such defenses in any  
9       responsive pleading.

10  
11       STIPULATED AND AGREED TO this 13th day of June, 2019.

12       s/ Ryan McDevitt

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14       Gretchen Freeman Cappio, WSBA #29576  
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STIPULATED MOTION AND [PROPOSED] ORDER TO AMEND  
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**[PROPOSED] ORDER**

Pursuant to the above stipulation, and good cause appearing, IT IS SO ORDERED that:

1. The deadlines related to initial disclosures and submission of the Joint Status Report and Discovery Plan set by the Court, *see* ECF No. 23, are continued until after the Judicial Panel On Multidistrict Litigation (“Panel”) rules on the motion filed pursuant to 28 U.S.C. § 1407, opening MDL No. 2905 (the “Consolidation Motion”). The parties agree to confer and propose new deadlines, if the Panel denies the Consolidation Motion;
  2. Defendants’ time to answer, move, or otherwise plead in response to Plaintiffs’ Complaint shall be continued until after the Panel rules on the Consolidation Motion as follows:
    - (i) In the event that the Panel denies the Consolidation Motion, or MDL No. 2905 is otherwise terminated, (1) the Defendants’ time to answer, move, or otherwise plead in response to Plaintiffs’ Complaint shall be extended until 45 days after the Panel’s order denying transfer or other event resulting in termination of the proceedings in MDL No. 2905; (2) Plaintiffs shall have 45 days to respond to any motion(s) that may be made by Defendants directed to the Complaint; and (3) Defendants shall have 30 days after Plaintiffs’ response(s) to file any reply in support of any motion(s) that may be directed to the Complaint; or
    - (ii) In the event that the Panel grants the Consolidation Motion, the Defendants’ time to answer, move, or otherwise plead in response to Plaintiffs’ Complaint; Plaintiffs’ time to respond to any motion(s); and Defendants’ time to file any reply shall be determined as ordered by the Transferee Court;

- 1       3. The deadlines pursuant to LCR 23(i)(3) are continued until after the Panel rules on the  
2       Consolidation motion. The parties are to confer regarding a class certification briefing  
3       schedule, if the Panel denies the Consolidation Motion; and  
4       4. Entry into this stipulation by the Defendants shall not constitute a waiver of any  
5       defenses. For the avoidance of doubt, the Defendants expressly preserve and do not  
6       waive any other defenses, including, but not limited to, the defenses of lack of personal  
7       jurisdiction, lack of subject matter jurisdiction, insufficiency of process, or improper  
8       venue. The Defendants expressly reserve their rights to raise such defenses in any  
9       responsive pleading.

10  
11       DATED: June 17, 2019



12  
13       Robert S. Lasnik  
14       United States District Judge  
15

16       Presented by:

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42      STIPULATED MOTION AND [PROPOSED] ORDER TO AMEND

43      CASE DEADLINES – 8

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